

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

**JOHN P. POLCASTRO, SR.,**

**Plaintiff,**

**v.**

**GREG WARD, et al.,**

**Defendants.**

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**Civil Action No. 1:05-cv-00909-MEF-VPM**

**DEFENDANTS' ANSWER**

COME NOW Sheriff Greg Ward, Carl Rowe, Donald Weeks, and Ray Mock, Defendants in the above-styled cause, and answer the Plaintiff's Complaint as follows:

**Answer**

The Defendants in this action deny each and every allegation made by the Plaintiff, John P. Polcastro, Sr., and demand strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

**Affirmative Defenses**

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's claims.
3. The Defendants in this matter, in their official capacities, are entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.
4. Defendants in their official capacities are not "persons" under 42 U.S.C. § 1983.
5. The Plaintiff's claims are barred by the Prison Litigation Reform Act.

6. Plaintiff fails to allege any affirmative causal link between the alleged acts of Defendants and any alleged constitutional deprivation or Defendants' direct participation in any alleged constitutional violation.

7. Defendants are not liable based upon a *respondeat superior* theory of liability.

8. Defendants were not deliberately indifferent in any respect.

9. Plaintiff did not have any serious medical need.

10. Defendants did not use excessive force.

11. The Plaintiff cannot prove a violation of his rights under the Eighth or Fourteenth Amendments to the United States Constitution.

Respectfully submitted this the 29th day of November, 2005.

**s/C. Richard Hill, Jr.**  
C. RICHARD HILL, JR. Bar No. HIL045  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 29th day of November, 2005, I have served the foregoing document on the following:

John P. Polcastro, Sr.  
Geneva County Jail  
PO Box 115  
Geneva, AL 36340

by placing a true and correct copy of the foregoing in the U.S. Mail, postage prepaid, on this the 29th day of November, 2005.

**s/C. Richard Hill, Jr.**  
OF COUNSEL